

ORIGINAL

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

FILEDTEXAS PEANUT FARMERS, *et al.*

Plaintiffs,

vs.

THE UNITED STATES,

Defendant.

No. 03-445C
(Judge Firestone)AUG 7 2003
U.S. COURT OF
FEDERAL CLAIMS**MOTION FOR EXTENSION OF TIME TO FILE RESPONSE
TO DEFENDANT'S MOTION TO DISMISS**

NOW COME the Plaintiffs, by and through undersigned counsel, and respectfully move for an extension of time to file a Response to the Defendant's Motion to Dismiss. In support of this Motion, undersigned counsel shows the Court as follows:

1. At the telephone conference on July 25, 2003 undersigned counsel thought he would have enough time to prepare a response. Undersigned counsel unexpectedly was tied up with a number of personal and business matters during the week of July 28, 2003.
2. Undersigned counsel attended a funeral on August 4, 2003; undersigned counsel has a significant State court appearance on August 5, 2003, and debriefing that afternoon and many pressing matters and deadlines in other cases before his departure on August 7.
3. Undersigned counsel is scheduled for a trip out of the state from August 7, 2003 to August 15, 2003.
4. Consistent with this Court's Scheduling Order, the Plaintiffs have made a proposal regarding a joint stipulation of dismissal that codifies the representations of the

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Defendant before this Court that pursuant to 7 U.S.C. § 1506(d), the exclusive forum for the Plaintiffs' action is in the appropriate United States District Court. Government's counsel has advised that she was out of the office last week and will need some time to consult with various people and is working on it.

5. Furthermore, undersigned counsel notified the Government of this request for an extension of time, and Jane W. Vanneman, counsel for the Government has advised that the Government does not object to this extension of time.

WHEREFORE, for good cause shown, it is respectfully requested that this honorable Court extend the time to file a response to Defendant's Motion to Dismiss up to and including September 1, 2003.

This the 4th day of August, 2003.

BOYCE & ISLEY, PLLC


R. Daniel Boyce
N. C. State Bar # 12329
Post Office Box 1990
Raleigh, NC 27602-1990
Telephone:(919) 833-7373
Facsimile:(919) 833-7536
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that I caused to be served by United States mail, postage prepaid, copies of the foregoing Motion for Extension of Time to File Response to Defendant's Motion to Dismiss addressed as follows:

JANE W. VANNEMAN
Senior Trial Counsel
Commercial Litigation Branch
Civil Division
Department of Justice
Attn: Classification Unit, 8th Floor
1100 L Street, N.W.
Washington, DC 20530

This the 4 day of August, 2003.

BOYCE & ISLEY, PLLC

A TRUE COPY:
TEST: APR 4 2003
BRIAN BISHOP
Clerk, U.S. Court of Federal Claims

Deputy Clerk

R. Daniel Boyce (s)
R. Daniel Boyce
N. C. State Bar # 12329
Post Office Box 1990
Raleigh, NC 27602-1990
Telephone: (919) 833-7373
Facsimile: (919) 833-7536
Attorney for Plaintiffs